



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Monthly Enforcement Report for actions during October 2016

DISTRIBUTED: November 8, 2016

This report has been prepared to satisfy a statutory obligation under 38 M.R.S. § 349(7) that the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Ronald Mongeon at (207) 287-7740 or ronald.mongeon@maine.gov for additional information regarding the activities listed in this report.

The following cases were resolved to: achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

Consent Agreements Approved by the Commissioner and Office of the Attorney General (party followed by location):

Oil:

Portland Road Services, d/b/a Cash Energy Company, Cape Elizabeth, Maine. Portland Road Services, d/b/a/ Cash Energy Company ("PRS") is a corporation duly organized and existing under Maine law. PRS operates a heating oil delivery and service business under the name Cash Energy Company. Shawn A. Boucher and Nicole K. Boucher own property located in Cape Elizabeth, Cumberland County, in which PRS delivered oil to an aboveground storage tank. On February 24, 2016, PRS spilled or overfilled oil causing oil to be discharged into the utility room of the residence, the soil outside the residence and the outside wall of the residence. Mr. Boucher requested that PRS send out someone to conduct a cleanup. PRS did not report the oil discharge to the home owner nor did PRS report the oil discharge to the Department within two hours of the spill, as it has been reported to the Department that the employee responsible for the discharge did not notify PRS of the discharge. PRS did not adequately clean up the spill to the Commissioner's satisfaction immediately after the spill nor after notification of the spill. By discharging oil and failing to report the spill to the Department or adequately cleaning up the spill to the Commissioner's satisfaction, PRS violated the *Oil Discharge Prevention and Pollution Control law*, 38 M.R.S. §§ 543 and 548. To resolve the violations, PRS agreed to: (1) provide documentation that all delivery personnel were trained on proper delivery techniques and oil spill reporting protocols; and (2) pay the *Treasurer, State of Maine c/o the Maine Ground and Surface Waters and Response Fund* the sum of five thousand dollars (\$5,000.000).

Consent Agreements Approved by the Board of Underground Storage Tank Installers and Office of the Attorney General (party followed by location):

Dave Chapman, Brewer, Maine. Dave Chapman is a certified underground oil tank installer. The Maine Board of Underground Storage Tank Installers ("Board") is responsible for taking disciplinary action against installer who engages in unprofessional conduct, including any gross negligence, incompetency or misconduct in the certified person's performance of the work of underground oil storage tank installation, removal or inspection, or violation of any standard of



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professional behavior established by the Board. Between July 25, 2014 and November 21, 2014, Mr. Chapman oversaw the installation of a 15,000 gallon underground tank in Clinton, Maine. After an initial approval for a limited delivery of fuel to test all facility components, the facility began dispensing fuel to the public despite the leak detection and spill prevention equipment and the vent lines for the tank not being installed. Mr. Chapman was told by the owner not to continue work for four weeks as there was a lack of funding. Mr. Chapman had not executed a certificate of proper installation and yet the facility continued to receive deliveries of gasoline and dispensed it to the public. Mr. Chapman continued work in the spring of 2016 and filed a certificate of proper installation with the Department in April of 2016. After a meeting of the Board of Underground Storage Tank Installers on October 28, 2015, the Board found that Mr. Chapman violated the enabling statute *Underground Oil Storage Tank Installers*, 32 M.R.S. 10015(2) and the *Administrative Rules* of the Board of Underground Storage Tank Installers, 06-481 C.M.R. ch. 1. The Board entered into a consent agreement with Mr. Chapman in which Mr. Chapman agreed to resolve the violation by: (1) paying to the *Treasurer, State of Maine c/o Maine Ground and Surface Waters Clean-up and Response Fund*, a civil monetary penalty of one thousand two hundred fifty dollars (\$1,250.00); and (2) accept a forty-five (45) day suspension of his installer's certificate with the suspension to begin January 2, 2017.